

ENTERED

August 26, 2020

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNLIMITED SERVICES, LLC,	§	
Plaintiff-Counterclaim-Defendant	§	
	§	
VS	§	CIVIL ACTION NO. 4:19-4414
	§	
ANADARKO PETROLEUM CORP.,	§	
Defendant-Counterclaim-Plaintiff	§	

ANADARKO PETROLEUM CORP.,	§
Third-Party Plaintiff	§
	§
VS	§
	§
ST. PAUL MERCURY INSURANCE	§
COMPANY; THE TRAVELERS	§
COMPANIES,	§
Third-Party Defendants.	§


ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Third-Party Defendants St. Paul Mercury Insurance Company and The Travelers Companies' Motion to Dismiss (Doc. No. 21); Anadarko Petroleum Corporation's response (Doc. No. 25) the reply (Doc. No. 26); Magistrate Judge Stacy's Memorandum and Recommendation (Doc. No. 36; and Third-Party Defendants' objections to the Memorandum and Recommendation (Doc. No. 40).

The Court has reviewed the case, *de novo*, and agrees with the Magistrate Judge's conclusion that, as a party interested under the written contracts, Anadarko has a right to seek court judgment interpreting these contracts. Unlike judgments that establish liability, questions of construction are not subject to the no-direct-action rule. Accordingly, it is hereby

ORDERED that Third-Party Defendants St. Paul Mercury Insurance Company and The Travelers Companies' Motion to Dismiss (Doc. No. 21) is **DENIED**.

Signed at Houston, Texas, this 25th day of August, 2020.

A handwritten signature in black ink, appearing to read 'A. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE